IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

LA.App..No. 695 of 2003()

LAR.79/1994 of PRINCIPAL SUB COURT,KOLLAM
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANTS
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1. SAROJINI PUSHPA KUMARI, KUNNEL VEEDU,
OLANTHURUTHU, PONMANA

2. KUNJU KUNJU PONNAMMA DO. DO.

3. ADDL.3. HINDUSTAN PETTOLEUM CORPORATION
LTD, REP.BY THE SENIOR REGIONAL MANAGER
T.S.SAWHNEY HAVING REGIONAL OFFICE AT
MATHAI MANJOORAN ROAD, TATAPURAM,
ERNAKULAM, KOCHI.

BY ADV. SRI.S.ABDUL RAZZAK
SRI.A.M.SHAFFIQUE
SRI.A.M.SHAFFIQUE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.3605 /2004 IN L.A.A.NO.695 /2003

DISMISSED.

18-9-2007 SD/- KURIAN JOSEPH, JUDGE

SD/- HARUN-UL-RASHID, JUDGE

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No. 695 of 2003

Dated this the 18th day of September, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.79/1994 on the file of the Sub Court, Kollam. The acquisition is for the purpose of Hindustan Petroleum Corporation. On the side of the claimant AW1 was examined and Ext.A1 document was produced. Ext.A1 is a sale deed executed on 10-12-1990. An extent of 10.5 cents of property was sold for a sale consideration of Rs.32,000/-, ie. Rs.3047.61 per cent. The reference court took note of the fact that ".....no evidence is adduced by the respondent for convincing the court that the Ext.A1 sale deed is not reliable for fixing the land value of the acquired land. On the other hand RW1 himself has admitted that the acquired land and the Ext.A1 property are similar except in the matter of access to public way. It has come out in evidence that the acquired land is situating in an interior region, that is, 50 metres towards north from the Edappallykotta--Kannittakadavu road, whereas the Ext.A1 land is situating on the immediate south of the said road. The said fact is spoken by AW1 at the time of his cross examination by the 2nd respondent (page 5 of the deposition). So no further

elaboration is necessary to hold that the acquired land will not fetch as much market value as that of the Ext.A1 land. Hence on a consideration of the entire facts and evidence brought out in the trial, this court can safely conclude that a sum of Rs.1,500/- per cent that is, Rs.3705/- per Are would have been a fair and adequate land value for the acquired land." The reference court thus having passed a considered judgment and having fixed the land value at a reasonable rate taking note of the entire facts and circumstances of the case as referred to above, we do not find any reason, in the absence of any evidence in the contra, to arrive at a different conclusion.

Thus there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.695 of 2003

JUDGMENT

18th September, 2007